

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:**

Michael Batt

**Application No.** Not yet assigned

**Filed:** Herewith

**Confirmation No.** Not yet assigned

**For:** AN ADJUSTABLE FIN SYSTEM

**Examiner:** Not yet assigned

**Art Unit:** Not yet assigned

**Attorney Reference No.** 7214-69896-01

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as Express Mail Label No. EV514603702US in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney  
for Applicant(s)

*Michael P. Girard*

Date Mailed

DECEMBER 2, 2004

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**PEITITION FOR REVIVAL OF UNINTENTIONALLY  
ABANDONED APPLICATION PURSUANT TO 37 CFR § 1.137(b)**

The above-identified international application (the "PCT application") recently became abandoned with respect to the United States for failure to timely enter the national phase under 35 U.S.C. §371. The 30-month deadline for national stage entry for the PCT application was Friday, November 5, 2004, and thus a proper filing under 37 CFR §1.495 on or before that day would have been timely.

Applicant unintentionally delayed filing of the U.S. national phase application on the belief that the U.S. national phase due date was December 5, 2004, i.e., 31 months from the priority date of the PCT application.

Applicant, also the sole inventor, is a citizen and resident of Australia. Like Europe and several other countries, the national phase due date in Australia occurs at 31 months--and not at 30 months as in the U.S.--from the priority date.

Applicant initiated contact with the undersigned regarding the filing of the U.S. national phase application on November 26, 2004, which would have provided sufficient time to prepare and file it if the due date was December 5, 2004 as he mistakenly believed. On November 27, 2004, it was recognized that the November 5, 2004 due date had in fact passed.

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685.00 OP

07/12/2005 CSMOOT 00000001 024550 10516862  
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014-12617 65.00 DA

On information and believe, Applicant is not a lawyer or patent agent, and until engaging the undersigned with respect to this U.S. national phase application, was representing himself pro se in connection with the filing of national phase applications.

The entire delay from the deadline for entering the national phase under 35 U.S.C. §371 until the filing of a grantable petition under 37 C.F.R. §1.137(b) was unintentional.

Applicant is a small entity. The petition fee (\$685) under 37 C.F.R. §1.17(m), and all of the submissions required for national stage entry under 37 C.F.R. §1.495 (including a copy of the PCT application, the basic national fee (\$555.00) under 37 C.F.R. §1.492(a)(1), a signed declaration of the inventor, an Information Disclosure Statement and a Preliminary Amendment are included herewith.

Since the PCT application was filed after June 8, 1995, a terminal disclaimer is not required with this Petition.

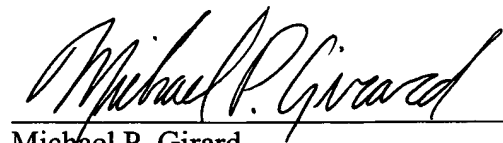
Please charge any additional fees that may be required in connection with filing this Petition and/or the enclosed national stage application, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this Petition is enclosed.

Applicant respectfully requests that this Petition be granted, and that the above-identified PCT application be revived for the purposes of entering the U.S. national stage. If the Petition is not granted, Applicant respectfully requests the refund of the basic national fee under 37 C.F.R. §1.492(a)(1).

Respectfully submitted,

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By



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